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Mavrix Photographs LLC

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

MAVRIX PHOTOGRAPHS LLC, a limited
liability company,

Plaintiff,

v.

ROLLINGOUT.COM, a business form
unknown; STEED MEDIA GROUP, INC.,
a Georgia Corporation; and DOES 1-10
INCLUSIVE,

Defendants.

Case No.

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

Mavrix Photographs LLC (“Mavrix”), by and through its attorneys of record,
complains against RollingOut.com, Steed Media Group, Inc., and DOES 1-10 (collectively
“Defendants”) as follows:

JURISDICTION AND VENUE

1. This is a civil action against Defendants for their acts of copyright
infringement in violation of the United States Copyright Act, 17 U.S.C. §§ 101 *et seq.* This

1 Court has subject matter jurisdiction over the copyright infringement under 28 U.S.C. §
2 1331, 17 U.S.C. § 501(a), and 28 U.S.C. § 1338(a).

3 2. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (c) and 28
4 U.S.C. § 1400(a) in that the claim arises in this Judicial District, the Defendants may be
5 found and transact business in this Judicial District, and the injury suffered by Plaintiff took
6 place in this Judicial District. Defendants are subject to the general and specific personal
7 jurisdiction of this Court because of their contacts with the State of California.

8 **PARTIES**

9 3. Plaintiff Mavrix is a limited liability company existing under the laws of
10 California, with its principal place of business in Los Angeles, California.

11 4. Plaintiff is informed and believes and, upon such, alleges that RollingOut.com
12 is a business, form unknown, with its principal place of business in Atlanta, Georgia and
13 offices in Los Angeles, California and around the United States.

14 5. Plaintiff is informed and believes and, upon such, alleges that Steed Media
15 Group, Inc. (“Steed Media”) is a Georgia Corporation, with its principal place of business
16 in Atlanta, Georgia and offices in Los Angeles, California and around the United States.

17 6. DOES 1 through 10, inclusive, are unknown to Plaintiff, who therefore sues
18 said Defendants by such fictitious names. Plaintiff will ask leave of Court to amend this
19 Complaint and insert the true names and capacities of said Defendants when the same have
20 been ascertained. Plaintiff is informed and believes and, upon such, alleges that each of the
21 Defendants designated herein as a “DOE” is legally responsible in some manner for the
22 events and happenings herein alleged, and that Plaintiff’s damages as alleged herein were
23 proximately caused by such Defendants.

24 **STATEMENT OF FACTS**

25 ***The Photos Forming the Subject Matter of This Dispute***

26 7. Mavrix Photo, Inc. (MPI) is a prominent celebrity photography agency that
27 licenses its photographs on an exclusive and non-exclusive basis to a multitude of top-tier
28 media outlets, including, the world’s leading newspapers, television programs and

1 magazines, like People or US Weekly. MPI has licensed individual images of celebrities
2 for over \$100,000 to major content outlets.

3 8. MPI made certain photographs of superstar Beyonce Knowles available for
4 licensing on an individual or blanket basis through MPI since the first publication of the
5 images. These images are collectively referred to herein as the “Beyonce Photos.” Many
6 of the Beyonce Photos have been individually licensed as standalone works.

7 9. MPI also made certain photographs of celebrity Kim Kardashian available for
8 licensing on an individual or blanket basis through MPI since the first publication of the
9 images. These images are collectively referred to herein as the “Kardashian Photos.”
10 Many of the Kardashian Photos have been individually licensed as standalone works.

11 10. MPI filed for copyright registration of the Beyonce Photos and Kardashian
12 Photos within 90 days of their authorship and first publication.

13 11. MPI has assigned to Plaintiff Mavrix all rights (including the copyright) to the
14 Beyonce Photos and Kardashian Photos.

15 ***The Defendants and the Marketplace***

16 12. Defendant Steed Media boasts its rank as “America’s largest African-
17 American newspaper.” In addition to its popular web publishing outlets, Steed Media
18 offers a weekly print edition, which publishes 1.2 million copies weekly in 19 of the Top
19 25 African-American markets. Over 75,000 copies are distributed weekly in Los Angeles.
20 Steed Media’s nationwide presence is supported by its claim to having dedicated team
21 members in Atlanta, Los Angeles, Chicago, Detroit, Houston, and New York.

22 13. On information and belief, Defendant Steed Media owned and/or operated
23 RollinngOut.com at all times relevant to this dispute.

24 14. On information and belief, RollingOut.com is the successful online publishing
25 destination for Steed Media. The website, on information and belief, entertains its over
26 150,000 unique visitors per month through a popular celebrity lifestyle and gossip blog.
27 RollingOut.com displays advertisements, including some that specifically target Los
28 Angeles.

1 15. Defendants have, on information and belief, violated federal law by willfully
2 infringing Mavrix copyrights to at least two different photographs on RollingOut.com.
3 Attached hereto as Exhibit A are true and correct copies of screenshots showing
4 Defendants' use of one of the Beyonce Photos and one of the Kardashian Photos on
5 RollingOut.com.

6 16. Specifically, in or around April of 2013, Defendants reproduced, distributed
7 and publicly displayed at least one of the Kardashian Photos, and derivatives thereof, on
8 their website without permission, consent, or license.

9 17. Additionally, in or around June of 2013, Defendants reproduced, distributed
10 and publicly displayed at least one of the Beyonce Photos, and derivatives thereof, on their
11 website without permission, consent, or license.

12 18. On information and belief, Defendants' reproduction, distribution and public
13 display of at least two of Plaintiff's photographs, and derivatives thereof, continues
14 unabated to this very day.

15 19. On information and belief, Defendants herein have driven significant traffic to
16 RollingOut.com in large part due to the presence of the sought after and searched-for
17 celebrity images that frame this dispute. All of this traffic translates into substantial ill-
18 gotten commercial advantage and revenue generation for Defendants as a direct
19 consequence of their infringing actions.

20 **FIRST CLAIM FOR RELIEF**

21 **(Copyright Infringement, 17 U.S.C. § 501)**

22 20. Plaintiff Mavrix incorporates here by reference the allegations in paragraphs 1
23 through 19 above.

24 21. Mavrix is the rightsholder to the copyrights of the Beyonce Photos and
25 Kardashian Photos, which substantially consist of wholly original material that constitutes
26 copyrightable subject matter under the laws of the United States. MPI and Mavrix have
27 complied in all respects with the Copyright Act and all of the laws of the United States
28 governing copyrights. The Beyonce Photos were timely registered with the United States

1 Copyright Office and given registration number VA 1-799-844. The Kardashian Photos
2 were timely registered with the United States Copyright Office and given registration
3 number VA 1-876-714.

4 22. All rights, including copyrights, in and to the Beyonce Photos protected under
5 registration number VA 1-799-844 were assigned to Plaintiff on or around February 25,
6 2013.

7 23. All rights, including copyrights, in and to the Kardashian Photos protected
8 under registration number VA 1-876-714 were assigned to Plaintiff on or around November
9 27, 2013.

10 24. Defendants have directly, vicariously and/or contributorily infringed, and
11 unless enjoined, will continue to infringe Mavrix's copyrights by reproducing, displaying,
12 distributing and utilizing the Beyonce Photos and Kardashian Photos for purposes of trade
13 in violation of 17 U.S.C. § 501 *et seq.*

14 25. Defendants have willfully infringed, and unless enjoined, will continue to
15 infringe Mavrix's copyrights by knowingly reproducing, displaying, distributing and
16 utilizing the Beyonce Photos and Kardashian Photos for purposes of trade.

17 26. On information and belief, Defendants' acts of infringement are willful
18 because, inter alia, the Defendants are sophisticated publishers with full knowledge of the
19 strictures of federal copyright law and the basic requirements for licensing the use of
20 copyrighted content for commercial exploitation.

21 27. On information and belief, Defendants, despite such knowledge, willfully
22 reproduced, publicly distributed and publicly displayed the Beyonce Photos and
23 Kardashian Photos on RollingOut.com.

24 28. Defendants have received substantial benefits in connection with the
25 unauthorized reproduction, display, distribution and utilization of the Beyonce Photos and
26 Kardashian Photos for purposes of trade, including by increasing the traffic to Defendants'
27 website and, thus, increasing the advertising fees realized.

28 ///

1 all advertising and promotional materials, print media, signs, Internet websites, or any other
2 media, either now known or hereafter devised, bearing any design or mark which infringe,
3 contributorily infringe, or vicariously infringe upon Plaintiff Mavrix's rights in the
4 photographs at issue.

5 2. Defendants be held liable to Plaintiff in statutory damages for copyright
6 infringement, including willful infringement, in accordance with 17 U.S.C. §§ 504(a)(2) &
7 (c) and for costs, interest and reasonable attorney's fees pursuant to 17 U.S.C. § 505.

8 3. An accounting be made for all profits, income, receipts or other benefit
9 derived by Defendants from the reproduction, copying, display, promotion, distribution or
10 sale of products and services, or other media, either now known or hereafter devised, that
11 improperly or unlawfully infringes upon Plaintiff's copyrights pursuant to 17 U.S.C. §§
12 504 (a)(1) & (b).

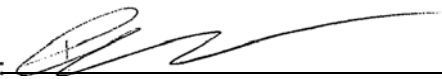
13 4. Requiring Defendants to account for and pay over to Plaintiff all profits
14 derived by Defendants from their acts of copyright infringement and to reimburse Plaintiff
15 for all damages suffered by Plaintiff by reasons of Defendant's acts, pursuant to 17 U.S.C.
16 §§ 504 (a)(1) & (b).

17 5. Actual damages for copyright infringement pursuant to 17 U.S.C. §§
18 504 (a)(1) & (b).

19 6. That Plaintiff be awarded any such other and further relief as the Court
20 may deem just and appropriate.

21
22 Dated: January 3, 2014

ONE LLP

23
24 By: 
25 Peter R. Afrasiabi, Esq.
26 John Tehranian, Esq.
27 Ian H. Gibson, Esq.
28 Attorneys for Plaintiff,
Mavrix Photographs LLC

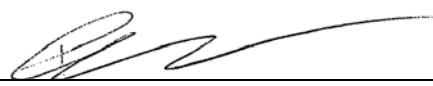
DEMAND FOR JURY TRIAL

Plaintiff Mavrix Photographs LLC hereby demands trial by jury of all issues so triable under the law.

Dated: January 3, 2014

ONE LLP

By: _____


Peter R. Afrasiabi, Esq.
John Tehranian, Esq.
Ian H. Gibson, Esq.
Attorneys for Plaintiff,
Mavrix Photographs LLC